

**LISTING OF THE CLAIMS:**

Please replace all previous listings of claims in this application with the following listing of claims:

1. (Previously Presented) A bracket for mounting a rail to a post, comprising:  
a post surface at least a portion of which is configured to abut a mounting surface of the post; and  
at least two surfaces associated with and not parallel to the post surface of the bracket,  
wherein a first surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a first configuration, and  
wherein a second surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a second configuration different from the first configuration.
2. (Original) The bracket of claim 1, wherein in the first configuration the rail is mounted to the post at a first angle relative to the mounting surface of the post and in the second configuration the rail is mounted at a second angle relative to the mounting surface of the post different from the first angle.
3. (Original) The bracket of claim 2, wherein in both the first configuration and the second configuration the rail is in a substantially horizontal orientation.

4. (Original) The bracket of claim 1, wherein in the first configuration the rail is mounted to the post in a substantially horizontal orientation and in the second configuration the rail is mounted to the post at an angle relative to a longitudinal axis of the post such that the rail is not in the substantially horizontal orientation.

5. (Original) The bracket of claim 1, wherein in the first configuration the first surface is substantially aligned with a surface of the rail and in the second configuration the second surface is substantially aligned with the surface of the rail.

6. (Previously Presented) The bracket of claim 1, wherein in the first configuration a portion of the first surface is configured to abut a surface of the rail and in the second configuration a portion of the second surface is configured to abut the surface of the rail.

7. (Original) The bracket of claim 1, wherein the first surface and the second surface are not parallel to each other.

8. (Original) The bracket of claim 1, wherein the first surface comprises at least two first surfaces.

9. (Original) The bracket of claim 8, wherein each of the at least two first surfaces are in different planes.

10. (Original) The bracket of claim 8, wherein each of the at least two first surface are parallel to each other.

11. (Original) The bracket of claim 8, wherein the second surface comprises at least two second surfaces.

12. (Original) The bracket of claim 11, wherein each of the at least two second surfaces are in different planes.

13. (Original) The bracket of claim 11, wherein each of the at least two second surface are parallel to each other.

14. (Original) The bracket of claim 11, wherein the at least two first surfaces and the at least second surfaces are separated by substantially the same distance.

15. (Previously Presented) The bracket of claim 1, further comprising a third surface associated with the post surface,

wherein the third surface is configured to accommodate the rail mounted to the post in a third configuration different from the first configuration and the second configuration.

16. (Original) The bracket of claim 1, wherein the bracket is configured such that when the rail is mounted to the post via the bracket in the first configuration another rail cannot be mounted to the post via the bracket in the second configuration.

17. (Original) The bracket of claim 1, wherein the first surface is configured to receive and retain a first surface of another bracket.

18. (Original) The bracket of claim 11, wherein the first surface includes at least one protrusion configured to assist the first surface in receiving and retaining the first surface of another bracket.

19. (Previously Presented) A deck, comprising:

a post;

a rail affixed to the post; and

a bracket, comprising:

a post surface at least a portion of which is configured to abut a mounting surface of the post; and

at least two surfaces associated with and not parallel to the post surface of the bracket,

wherein a first surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a first configuration, and

wherein a second surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a second configuration different from the first configuration,

wherein the rail is affixed to the post via the mounting bracket.

20. (Original) The deck of claim 19, wherein in the first configuration the rail is mounted to the post at a first angle relative to the mounting surface of the post and in the second configuration the rail is mounted at a second angle relative to the mounting surface of the post different from the first angle.

21. (Original) The deck of claim 19, wherein in the first configuration the rail is mounted to the post in a substantially horizontal orientation and in the second configuration the rail is mounted to the post at an angle relative to a longitudinal axis of the post such that the rail is not in the substantially horizontal orientation.

22. (Previously Presented) The deck of claim 19, wherein in the first configuration a portion of the first surface is configured to abut a surface of the rail and in the second configuration a portion of the second surface is configured to abut the surface of the rail.

23. (Original) The deck of claim 19, wherein the first surface and the second surface are not parallel to each other.

24. (Original) The deck of claim 19, wherein the first surface comprises at least two first surfaces,

wherein each of the at least two first surfaces are in different planes, and

wherein each of the at least two first surface are parallel to each other.

25. (Original) The deck claim 24, wherein the second surface comprises at least two second surfaces,

wherein each of the at least two second surfaces are in different planes, and

wherein each of the at least two second surface are parallel to each other.

26. (Original) The deck of claim 25, wherein the at least two first surfaces and the at least second surfaces are separated by substantially the same distance.

27. (Previously Presented) The deck of claim 19, further comprising a third surface associated with the post surface,

wherein the third surface is configured to accommodate the rail mounted to the post in a third configuration different from the first configuration and the second configuration.

28. (Original) The deck of claim 19, wherein the bracket is configured such that when the rail is mounted to the post via the bracket in the first configuration another rail cannot be mounted to the post via the bracket in the second configuration.

29. (Original) The deck of claim 19, wherein the first surface is configured to receive and retain a first surface of another bracket.

30. (Original) The deck of claim 29, wherein the first surface includes at least one protrusion configured to assist the first surface in receiving and retaining the first surface of another bracket.

31. (Original) A tool comprising:  
an aligning portion configured to align at least two balusters;  
at least one level indicator; and  
at least one placement portion configured to receive and retain a bracket for mounting a rail to a post.

32. (Original) The tool of claim 31, wherein the aligning portion includes a plurality of pairs of grooves.

33. (Original) The tool of claim 32, wherein each of the plurality of pairs of grooves is configured to accommodate one of the at least two balusters.

34. (Original) The tool of claim 31, wherein the aligning portion is configured to align the at least two balusters relative to each other.

35. (Original) The tool of claim 31, wherein the placement portion includes a flexible feature configured to assist in receiving and retaining the bracket.

36. (Original) The tool of claim 31, wherein the bracket includes a post surface configured to be substantially flush with a mounting surface of the post and at least two surfaces associated with the post surface of the bracket,

wherein a first surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a first configuration, and

wherein a second surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a second configuration different from the first configuration.

37. (Original) The tool of claim 31, further comprising an alignment portion configured to align the bracket relative to the post.

38. (Original) The tool of claim 31, further comprising an alignment portion configured to assist in aligning the post relative to a deck frame.

39. (Original) An assembly method, comprising:  
providing a rail and a post;  
providing a bracket including a post surface configured to be substantially flush with a mounting surface of the post and at least two surfaces associated with and not parallel to the post surface of the bracket,



wherein a first surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a first configuration, and

wherein a second surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a second configuration different from the first configuration;

affixing the bracket to the post such that the post surface is substantially flush with the mounting surface;

affixing the rail to the bracket such that the rail is in one of the first configuration and the second configuration.

40. (Original) The assembly method of claim 39, further comprising providing a tool including at least one placement portion configured to receive and retain the bracket;

placing the bracket in the at least one placement portion; and

placing the bracket on the post via the tool while the bracket is disposed in the at least one placement portion.

41. (Original) The assembly of method claim 40, wherein the placement portion includes a flexible feature configured to assist in receiving and retaining the bracket.

42. (Original) The assembly method of claim 39, further comprising providing a tool including an aligning portion configured to align at least two balusters;

providing the at least two balusters;

aligning the at least two balusters relative to each other using the aligning portion; and  
affixing each of the at least two balusters to the rail.

43. (Original) The assembly method of claim 42, wherein the aligning portion includes a plurality of pairs of grooves, and  
the assembly method further comprises placing each of the at least two balusters in one of the plurality of pairs of grooves.

44. (Original) The assembly method of claim 39, wherein in the first configuration the rail is mounted to the post at a first angle relative to the mounting surface of the post and in the second configuration the rail is mounted at a second angle relative to the mounting surface of the post different from the first angle.

45. (Original) The assembly method of claim 39, wherein in the first configuration the rail is mounted to the post in a substantially horizontal orientation and in the second configuration the rail is mounted to the post at an angle relative to a longitudinal axis of the post such that the rail is not in the substantially horizontal orientation.

46. (Original) The assembly method of claim 39, wherein in the first configuration the first surface is substantially flush with a surface of the rail and in the second configuration the second surface is substantially flush with the surface of the rail.

47. (Original) The assembly method of claim 39, wherein the first surface and the second surface are not parallel to each other.

48. (Original) The assembly method of claim 39, wherein the first surface comprises at least two first surfaces,

wherein each of the at least two first surfaces are in different planes, and  
wherein each of the at least two first surface are parallel to each other.

49. (Original) The assembly method of claim 48, wherein the second surface comprises at least two second surfaces,

wherein each of the at least two second surfaces are in different planes, and  
wherein each of the at least two second surface are parallel to each other.

50. (Original) The assembly method of claim 49, wherein the at least two first surfaces and the at least second surfaces are separated by substantially the same distance.

51. (Original) The assembly method of claim 39, further comprising a third surface associated with the vertical surface of the post,

wherein the third surface is configured to accommodate the rail mounted to the post in a third configuration different from the first configuration and the second configuration.

52. (Original) The assembly method of claim 39, wherein the bracket is configured such that when the rail is mounted to the post via the bracket in the first configuration another rail cannot be mounted to the post via the bracket in the second configuration.

53. (Original) The assembly method of claim 39, wherein the first surface is configured to receive and retain a first surface of another bracket.

54. (Original) The assembly method of claim 53, wherein the first surface includes at least one protrusion configured to assist the first surface in receiving and retaining the first surface of another bracket.

55. (Original) An assembly method, comprising:  
providing a first rail, a second rail, a baluster, a fastener, and another fastener;  
aligning the baluster relative to the first rail and the second rail;  
placing a first fastener through the first rail, into the baluster, and back into the first rail; and

placing a second fastener through an underside of the second rail and into the baluster,

wherein the first fastener and the second fastener are placed such that the first fastener and the second fastener are not covered and are not substantially externally discernible.

56. (Original) The assembly method of claim 55, wherein providing the first fastener includes providing a first trim nail and providing the second fastener includes providing a second trim nail.

57. (Original) The assembly method of claim 55, wherein placing the first fastener includes placing the first fastener with a nail gun and placing the second fastener includes placing the second fastener with the nail gun.

58. (Original) The assembly method of claim 55, wherein aligning the baluster includes placing an end of a baluster between portions of the first rail.

59. (Original) The assembly method of claim 55, wherein the second rail includes a lip, and  
wherein aligning the baluster includes placing a portion of the baluster against the lip.

60. (Original) A railing, comprising:  
a first rail and a second rail;  
a plurality of balusters each disposed between the first rail and the second rail;  
a first fastener that extends through a first portion of the first rail, into one of the plurality of balusters, and back into a second portion of the first rail; and  
a second fastener that extends through a portion of the second rail and into the one of the plurality of balusters,

wherein the first fastener and the second fastener are not covered and are not substantially externally discernible.

61. (Original) The railing of claim 60, wherein the first rail has a substantially U-shaped configuration and a portion of at least one of the plurality of balusters is disposed between legs of the first rail.

62. (Original) The railing of claim 60, wherein the second rail includes a lip and a portion of at least one of the plurality of balusters is disposed against the lip.

63. (Original) The railing of claim 60, wherein the second rail includes a groove and at least a portion of the second fastener is disposed in at least a portion of the groove.

64. (Original) The railing of claim 60, wherein the first fastener and the second fastener are trim nails.

65. (Original) A deck, comprising:  
at least two posts;  
a first rail and a second rail each affixed to each of the at least two posts;  
a plurality of balusters each disposed between the first rail and the second rail;  
a first fastener that extends through a first portion of the first rail, into one of the plurality of balusters, and back into a second portion of the first rail; and

a second fastener that extends through a portion of the second rail and into the one of the plurality of balusters,

wherein the first fastener and the second fastener are not covered and are not substantially externally discernible.

66. (Previously Presented) The bracket of claim 1, wherein the first surface forms about a 45 degree angle with the post surface.

67. (Previously Presented) The bracket of claim 1, wherein the first surface forms about a 90 degree angle with the post surface.

68. (Previously Presented) The bracket of claim 66, wherein the second surface forms about a 45 degree angle with the post surface and about a 90 degree angle with the first surface.

69. (Previously Presented) The bracket of claim 67, wherein the second surface forms about a 45 degree angle with the post surface and about a 45 degree angle with the first surface.

70. (Previously Presented) The bracket of claim 66, wherein the second surface forms about a 45 degree angle with the post surface and about a 45 degree angle with the first surface.

71. (Previously Presented) The bracket of claim 15, wherein the first surface forms about a 45 degree angle with the post surface, the second surface forms about a 45 degree angle with the post surface and about a 90 degree angle with the first surface, and third surface forms about a 45 degree angle with both the first surface and the second surface and about a 90 degree angle with the post surface.

72. (Previously Presented) The bracket of claim 11, wherein in the first configuration the at least two first surfaces are configured to be substantially parallel to surfaces of the rail and in the second configuration the at least two second surfaces are configured to be substantially parallel to the surfaces of the rail.

73. (Previously Presented) The deck of claim 19, wherein the first surface of the bracket forms about a 45 degree angle with the post surface of the bracket.

74. (Previously Presented) The deck of claim 19, wherein the first surface of the bracket forms about a 90 degree angle with the post surface of the bracket.

75. (Previously Presented) The deck of claim 73, wherein the second surface of the bracket forms about a 45 degree angle with the post surface of the bracket and about a 90 degree angle with the first surface of the bracket.



76. (Previously Presented) The deck of claim 74, wherein the second surface of the bracket forms about a 45 degree angle with the post surface of the bracket and about a 45 degree angle with the first surface of the bracket.

77. (Previously Presented) The deck of claim 73, wherein the second surface of the bracket forms about a 45 degree angle with the post surface of the bracket and about a 45 degree angle with the first surface of the bracket.

78. (Previously Presented) The deck of claim 27, wherein the first surface of the bracket forms about a 45 degree angle with the post surface of the bracket, the second surface of the bracket forms about a 45 degree angle with the post surface of the bracket and about a 90 degree angle with the first surface of the bracket, and third surface of the bracket forms about a 45 degree angle with both the first surface of the bracket and the second surface of the bracket and about a 90 degree angle with the post surface of the bracket.

79. (Previously Presented) The deck of claim 25, wherein in the first configuration the at least two first surfaces of the bracket are configured to be substantially parallel to surfaces of the rail and in the second configuration the at least two second surfaces of the bracket are configured to be substantially parallel to the surfaces of the rail.

80. (Previously Presented) A rail assembly, comprising:  
a rail;

a post; and

a bracket for mounting the rail to the post, the bracket comprising:

a post surface at least a portion of which is configured to abut a mounting

surface of the post; and

at least two surfaces configured to be associated with and not parallel to

the post surface of the bracket,

wherein a first surface of the at least two surfaces is configured to

accommodate the rail mounted to the post in a first configuration,

and

wherein a second surface of the at least two surfaces is configured to

accommodate the rail mounted to the post in a second

configuration different from the first configuration.

81. (Previously Presented) The rail assembly of claim 80, wherein in the first configuration the rail is configured to be mounted to the post at a first angle relative to the mounting surface of the post and in the second configuration the rail is configured to be mounted at a second angle relative to the mounting surface of the post different from the first angle.

82. (Previously Presented) The rail assembly of claim 81, wherein in both the first configuration and the second configuration the rail is configured to be in a substantially horizontal orientation.

83. (Previously Presented) The rail assembly of claim 80, wherein in the first configuration the rail is configured to be mounted to the post in a substantially horizontal orientation and in the second configuration the rail is configured to be mounted to the post at an angle relative to a longitudinal axis of the post such that the rail is not in the substantially horizontal orientation.

84. (Previously Presented) The rail assembly of claim 80, wherein in the first configuration the first surface is configured to be substantially aligned with a surface of the rail and in the second configuration the second surface is configured to be substantially aligned with the surface of the rail.

85. (Previously Presented) The rail assembly of claim 80, wherein in the first configuration a portion of the first surface is configured to abut a surface of the rail and in the second configuration a portion of the second surface is configured to abut the surface of the rail.

86. (Previously Presented) The rail assembly of claim 80, wherein the first surface and the second surface are not parallel to each other.

87. (Previously Presented) The rail assembly of claim 80, wherein the first surface comprises at least two first surfaces.

88. (Previously Presented) The rail assembly of claim 87, wherein each of the at least two first surfaces are in different planes.

89. (Previously Presented) The rail assembly of claim 87, wherein each of the at least two first surface are parallel to each other.

90. (Previously Presented) The rail assembly of claim 87, wherein the second surface comprises at least two second surfaces.

91. (Previously Presented) The rail assembly of claim 90, wherein each of the at least two second surfaces are in different planes.

92. (Previously Presented) The rail assembly of claim 90, wherein each of the at least two second surface are parallel to each other.

93. (Previously Presented) The rail assembly of claim 90, wherein the at least two first surfaces and the at least second surfaces are separated by substantially the same distance.

94. (Previously Presented) The rail assembly of claim 80, further comprising a third surface configured to be associated with the post surface,

wherein the third surface is configured to accommodate the rail mounted to the post in a third configuration different from the first configuration and the second configuration.

95. (Previously Presented) The rail assembly of claim 80, wherein the bracket is configured such that when the rail is mounted to the post via the bracket in the first configuration another rail cannot be mounted to the post via the bracket in the second configuration.

96. (Previously Presented) The rail assembly of claim 80, wherein the first surface is configured to receive and retain a first surface of another bracket.

97. (Previously Presented) The rail assembly of claim 90, wherein the first surface includes at least one protrusion configured to assist the first surface in receiving and retaining the first surface of another bracket.

98. (Previously Presented) The rail assembly of claim 80, wherein the first surface forms about a 45 degree angle with the post surface.

99. (Previously Presented) The rail assembly of claim 80, wherein the first surface forms about a 90 degree angle with the post surface.

100. (Previously Presented) The rail assembly of claim 98, wherein the second surface forms about a 45 degree angle with the post surface and about a 90 degree angle with the first surface.

101. (Previously Presented) The rail assembly of claim 99, wherein the second surface forms about a 45 degree angle with the post surface and about a 45 degree angle with the first surface.

102. (Previously Presented) The rail assembly of claim 98, wherein the second surface forms about a 45 degree angle with the post surface and about a 45 degree angle with the first surface.

103. (Previously Presented) The rail assembly of claim 94, wherein the first surface forms about a 45 degree angle with the post surface, the second surface forms about a 45 degree angle with the post surface and about a 90 degree angle with the first surface, and third surface forms about a 45 degree angle with both the first surface and the second surface and about a 90 degree angle with the post surface.

104. (Previously Presented) The rail assembly of claim 90, wherein in the first configuration the at least two first surfaces are configured to be substantially parallel to surfaces of the rail and in the second configuration the at least two second surfaces are configured to be substantially parallel to the surfaces of the rail.